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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,009	10/02/2003	Mitchell Schlansky	2195.0010000	6426

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WASHINGTON, DC 20005

EXAMINER

FOSTER, JIMMY G

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/676,009

Applicant(s)

SCHLANSKY, MITCHELL

Examiner

Jimmy G. Foster

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/21/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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1) The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2) Claims 1-4, 8 and 18-20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Naylor (5,678,2004). In the reference of Naylor et al there is provided an article at cover 10 including a base at the flat part of portion 14, and first and second arms at the "long edges" 16,18.

The each of the first and second arms is shown to include an inwardly (converging) directed curve followed by an outwardly (diverging) directed curve.

Insofar as claimed by Applicant, the portion of each arm of Naylor et al disposed closest to the flat base and before the inwardly directed curve may be considered to define a proximal portion of the arm. The remaining portions of the arms may be considered to define the distal portions of the arms.

The connecting points of the arms to the flat base will not move toward each other; this is inherently prevented by the base.

When the electronic device is placed in the article 10, in a manner as shown in Figure 15, the arms/sides are flexed outwardly, thereby maintaining the arms under tension (col. 2, lines 15-18). Thus the arms become biased towards each other.

Accordingly, it does not appear that the article 10 of Naylor is unable to perform/function in the same manner as Applicant's article.

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3) The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4) Claims 5, 9 and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Naylor et al (5,678,204) in view of Moncrief et al (6,179,122). The reference of Moncrief et al at column 7, lines 51-57 suggests that a holder for an electronic article may be made with a high coefficient of friction for the purpose of preventing the holder from inadvertently sliding around on a work surface. Accordingly, it would have been obvious in view of Moncrief et al to have provided the surface of the article 10 with an high coefficient of friction to prevent inadvertent sliding of the article when placed on a supporting surface.

Additionally at 22 and 36, the reference of Moncrief suggests that ribs may be provided in the bottom of the holder for an electronic device for the purpose of providing shock protection and ventilation to the electronic device. Accordingly, for this reason, it would have been obvious in view of Moncrief et al to have made the article 10 of Naylor with ribs.

5) Claims 6 and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Naylor et al (5,678,204) in view of Von Kleist et al (4,991,817). The reference of Von Kleist et al at 28 suggests coating/covering a surface of a holder for an electronic device with a soft

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high friction material (col. 2, lines 15-29), for the purpose of maintaining the relative position of the device on the base of the holder. Accordingly, it would have been obvious in view of Von Kleist et al to have provided a high friction coating/covering on a surface of the article 10 of Naylor et al, for the purpose of assisting in maintaining the electronic device immobile on the surface.

6) Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Naylor et al (5,678,204) in view of Yuhara et al (6,382,448). The reference of Yuhara et al at column 9, lines 25-29, suggests that the housing for an electronic device may be made with a scratch-resistant coating to prevent scratching of the housing. Scratches to make the housing unattractive. Accordingly, it would have been obvious in view of Yuhara et al to have provided a scratch resistant coating on the exterior of the case of Naylor et al to maintain its attractiveness.

7) Claim 15 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Naylor et al (5,678,204) in view of Von Kleist et al (4,991,817) as applied to claim 6 above, and further in view of Motson (6,264,029). The reference of Motson at Figure 1 and reference numerals 30,32,58,62, suggests that a holder for an electronic device may be attached inside of a notebook, so that a notepad and an identification may be made handy with the held electronic device. Accordingly, it would have been obvious in view of Motson to have provided the article 10 in a notebook for having a notepad and an identification disposed along with the electronic device.

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8) Claims 10-13 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Naylor et al (5,678,204) in view of Motson (6,264,029). The reference of Motson at Figure 1 and reference numerals 30,32,58,62, suggests that a holder for an electronic device may be attached inside of a notebook, so that a notepad and an identification may be made handy with the held electronic device. Accordingly, it would have been obvious in view of Motson to have provided the article 10 in a notebook for having a notepad and an identification disposed along with the electronic device.

9) Claims 14 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Naylor et al (5,678,204) in view of Moncrief et al (6,179,122) as applied to claim 5 or 9 above, and further in view of Motson (6,264,029). The reference of Motson at Figure 1 and reference numerals 30,32,58,62, suggests that a holder for an electronic device may be attached inside of a notebook, so that a notepad and an identification may be made handy with the held electronic device. Accordingly, it would have been obvious in view of Motson to have provided the article 10 in a notebook for having a notepad and an identification disposed along with the electronic device.

10) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy G Foster whose telephone number is (571) 272-4554. The examiner can normally be reached on Mon-Fri, 8:45 am - 5:15 pm.

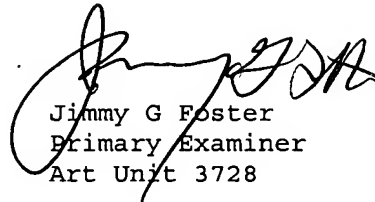
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.



Jimmy G Foster
Primary Examiner
Art Unit 3728

JGF

21 June 2005